

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JAN 22 2013

Jeffery Childers, Project Manager
California Desert District Office, BLM
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553

Subject: Final Environmental Impact Statement for the proposed McCoy Solar Energy Project and California Desert Conservation Area Plan Amendment, Riverside County, California (CEQ # 20120391)

Dear Mr. Childers:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the proposed McCoy Solar Energy Project. Our review and comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft EIS and provided comments to the Bureau of Land Management on August 23, 2012. We rated the Draft EIS as *Environmental Concerns- Insufficient Information* (EC-2), primarily due to the project's potential direct and indirect impacts to aquatic resources, air quality, desert pavement, biological resources, and tribal resources. We also raised concerns regarding the cumulative impacts associated with the influx of other large-scale solar energy projects proposed, and under construction, in the Riverside County. Previously, on September 27, 2011, EPA provided extensive formal scoping comments for the proposed project.

We appreciate the efforts of BLM, the applicant, and its consultants to address our Draft EIS comments. We were pleased to see the following improvements to the proposed project and the document: revision of mitigation measure WATER-3 to include minimizing the number of road crossings over washes, and designs for adequate flow-through during storm events; facility designs that minimize the footprints of roads, parking lots, and other proposed facilities; clarification of the subsurface connectivity between the Colorado River and the Palo Verde Mesa Groundwater Basin; additional discussion of the possibility of unanticipated flooding during construction, including mitigation measure WATER-6; and additional mitigation measures HAZ-1 and HAZ-2 to address potential effects from hazards and hazardous spills.

While recognizing these improvements in the Final EIS, we have continuing concerns regarding impacts to air quality, the availability of compensatory mitigation lands, habitat connectivity, and the lack of information regarding tribal concerns. The Final EIS states "there would be a substantial residual Project-specific and cumulative impact related to short-term construction emissions

of PM₁₀ after mitigation measures have been incorporated because emissions would not be reduced to below Mojave Desert Air Quality Management District thresholds” (p. 4.2-19). Therefore, we continue to have concerns regarding cumulative PM₁₀ air emissions and fugitive dust that may result from concurrent construction of multiple projects in the vicinity. For this reason, we reiterate our recommendation that the ROD include commitments to ensure that all feasible measures to reduce and mitigate air quality impacts to the greatest extent possible will be implemented. In addition to ensuring compliance with Mojave Desert Air Quality Management District requirements of fugitive dust best management practices, we recommend that BLM consider applicable mitigation measures adopted in the Desert Harvest Final EIS, which include suspension of construction and grading during windy conditions when those activities cause visible dust plumes, keeping soil loads below 18 inches of the freeboard of the truck, and minimizing drop heights when dumping soil into trucks. We recommend that such measures be adopted in consultation with Mojave Desert Air Quality Management District and that their implementation be made a condition of construction contracts, to help ensure that air quality standards are not exceeded.

In light of the numerous renewable energy projects in the Riverside East Solar Energy Study Zone area, we reiterate our recommendation that BLM ensure that sufficient land to adequately compensate for environmental impacts to resources such as state jurisdictional waters, desert dry wash woodlands, biological resources, and special-status plants is available. We note that the BLM will require the applicant to obtain compensatory lands no more than 18 months after the start of the Project’s ground-disturbing activities. The ROD should describe the implications for project construction if the timeline is not met.

We also recommend that the ROD include the final Biological Opinion and an update on consultation with US Fish and Wildlife Service to protect sensitive biological resources, including desert tortoise habitat connectivity on the eastern portion of the site. Mitigation and monitoring measures that result from consultation with USFWS should also be included in the ROD.

The EPA notes the tribal outreach and consultation that the BLM and applicant have accomplished, and commends the inclusion of the draft NHPA §106 Memorandum of Agreement for resolving adverse effects to historic properties. We would be interested to see the summary of tribal concerns and actions undertaken to address these concerns that is referenced on page 5-12, but not included in the FEIS. We encourage BLM to ensure, through continued consultation, that the tribal issues are addressed and the project-specific Memorandum of Agreement under development will be finalized and signed prior to the ROD being signed.

We recommend that all mitigation measures be adopted in the ROD and be included as conditions in construction contracts and any other approvals, as appropriate.

EPA appreciates the opportunity to review this Final EIS. If you have any questions, please contact Anne Ardillo, the lead reviewer for this project. Anne can be reached at 415-947-4257 or ardillo.anne@epa.gov.

Sincerely,



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Communities and Ecosystem Division

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